IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 22116 of 2001

Between:
Venugopaia Swamy Cooperative Lift
Irrigation society (Regd No.D-1929) Ponangipalli Village,
K.Gangavaram E.G.Dist

..... PETITIONER

AND

1 The District Collector
The District Collector East Godavari District
kakinada
2 A.P Pollution Control Board rep by Member of Secretary
Maitrivanam, Hyderabad
3 Sri Satyaavoiu Ramarao
Sri Venkata Ramana Duplex Board Pvt Ltd Amujuru Village,
K.Gangavaram Mandal
East Godavari District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus directing the respondent No.1 and 2 to take appropriate action against the Respondent No.3 not to discharge the effluents into the Teki Drain besides directing not to grant permission for construction of the paper mill or its renewal, declaring their inaction as illegal and ultra vires to the provisions of Articles 14 and 21 of the Constitution of India and pass such other or orders as are deems fit and proper in the circumstances of the case.

For the Petitioner:MR.V.S.R.ANJANEYALU

For the Respondent No.2: MR. S.V.Bhatt

The Court Made the Following ORDER:

(per The Hon'ble The Chief Justice Sri Devinder Gupta)

Sri Venugopala Swamy Cooperative Lift Irrigation Society filed this petition. On coming to know that the 3rd respondent was going to install a paper mill by the side of Teki drain in the upstream side of the pumping scheme within the limits of Amujuru village, this writ petition was filed on the apprehension that if the paper mill is allowed to be constructed and run as planned by the 3rd respondent, it will discharge waste water from the paper mill into Teki drain and convert the entire water in the said drain into polluted water. Thus direction was sought against 3rd respondent not to discharge effluents into Teki drain and further direction was sought not to grant permission for construction of the paper mill.

A.P.Pollution Control Board issued notice to the 3rd respondent and consent for establishment was issued on the conditions that the industry shall construct and commission effluent treatment plant and install air pollution control along with commissioning of the industry; industry shall treat the effluent to the surface water standards stipulated under the relevant provisions of law and that the industry shall explore the possibility of recycling that treated effluent as far as possible. The other condition stipulated is that the industry shall treat the effluent to conform to surface water standard and discharge into the channel. Analysis reports of the samples at various points in Teki drain and other drains joining to Teki drain was made to assess the impact of mill water and on 15-11-2001 environment engineer reported, as per the analysis report, that the industry was not discharging any effluent into the drain.

When the initial analysis was done the mill was not yet commissioned. Writ petition has been pending. No affidavit in reply has been filed by the respondents. There is no appearance on behalf of the petitioners when petition was taken up for consideration. Therefore, we dispose of the writ petition with direction to the 3rd respondent to strictly adhere to the conditions imposed by the 2nd respondent and with direction to the 2nd respondent to have a regular check on the industry and ensure that effluent is not discharged into the Teki drain without

treatment.

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DEVINDER GUPTA, CJ

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G.ROHINI, J

16th June, 2004.

nmr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector
   The District Collector East Godavari District
   kakinada
2. 2CD copies
3. 1 spare copy